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Cherron Marie Phillips
FCI Waseca Reg.#45209-424
P.O. Box 1731
Waseca MN 56093

UNITED STATES DISTRICT COURT MINNESOTA

Cherron Marie Phillips
Petitioner

Case No.:

v.

Nannette Barnes, Warden FCI Waseca
Respondent

Writ of Habeas Corpus

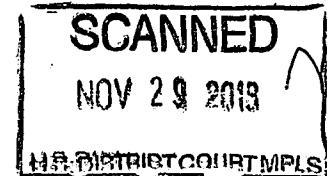
Petition

Petitioner Cherron Marie Phillips, hereinafter, petitioner submits her duly affirmed petition for Writ of Habeas Corpus as executed before the clerk who administers oaths for verification of all statements under penalty of perjury and to state why the writ should issue.

The writ of habeas corpus is a remedy available to effect discharge from any confinement contrary to the Constitution or fundamental law, even if imposed pursuant to conviction by a court of competent jurisdiction. See *Ex Parte Siebold* 100 U.S 371, 25 Led 717 (1879); *United States v. Morgan* 230 F.3d 1067 (8th Cir. 2000)

The statutes of the United States declare that the Supreme Court and the district courts shall have power to issue writs of habeas corpus; that application for the writ shall be made to the court or justice or judge authorized to issue the same by complaint in writing, under oath, signed by the petitioner setting forth the facts concerning his detention, in whose custody he is and by virtue of what claim or authority, if known. The Court, or justice or judge "shall forthwith award a writ of habeas corpus; unless it appears from the petition itself that the party is not entitled thereto."

Petitioner now affirms this application for writ of habeas corpus in the following terms:



"Your petitioner, represents and states to this honorable court that she is restrained of her liberty and is unlawfully imprisoned at FCI Waseca MN, by Nannette Barnes, Warden of said institution."

"That she is currently serving a prison sentence of eighty-four months with three years of supervised release."

"That cause of said restraint is allegedly retaliating false claims against the real and personal property of a federal officer on account of official duty in violation of 18 USC §1521, but said restraint is unconstitutional and she is entitled to legal enlargement."

"Your relator states she was not properly adjudicated."

"Your petitioner moved to Dismiss the Indictment pursuant to Fed. R. Crim. Proc. 12(b)(3)(B) on the basis that the indictment failed to state an offense."

"In March of 2014, prior to the sentence, your petitioner notified the court that 18 USC §1521 cited in the indictment, commitment, and the like held by the Warden was not available as a bill deposited in the Public Archives, authenticated as a bill that passed Congress."

"Your petitioner maded attempts to purchase the Court Security Improvement of January 8, 2007, authenticated in regular form, where the charged act is found. Petitioner was unsuccessful in obtaining the act because she was told by the Archivist the act was not positive law from Congress."

"On June 18, 2014, by order of the Judge Michael J. Reagan, your petitioner was ordered detained and determined by the judge to pose a danger to the community for filing documents in the United States District Court and the Court of Appeals in the Seventh Circuit."

"Your petitioner states that freedom of speech and freedom to petition the government for a redress of greivance have been upheld as a constitutionally protected activity against infringement; And the First Amendment gaurantees of freedom of speech and of the press prohibits a public official from recovering

damages for a defamatory falsehood relating to his official conduct unless he proves actual malice and that the statement was made with knowledge that it was false."

"Your petitioner denies making any claims with knowledge of falsity or actual malice. An enrolled act thus authenticated is sufficient evidence of itself that it passed Congress." "If a legislative document is authenticated in regular form by the appropriate official the court treats that document as properly adopted." United States v. Thomas 788 F.2d 1250 (7th Cir. 1986)

"Your petitioner states that the district courts has jurisdiction only for crimes enacted by Congress."

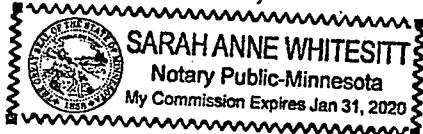
"Your petitioner states the charged act, 18 USC §1521 was not properly adopted and unavailable as a bill deposited in the Public Archives as a bill that passed Congress, and that her sentence is illegal in that no citizen shall be detained or imprisoned except pursuant to an 'act of Congress'".

"Your petitioner has annexed to this petition FORM BP-199 Encumbrance No. 568 in the amount of \$5.00 which is the fee for instituting a writ of habeas corpus.

WHEREFORE, petitioner moves this honorable court to grant a writ of habeas corpus and that she be discharged immediately, without delay from unconstitutional incarceration.

Verification

I Cherron Marie Phillips declare under penalty of perjury under the laws of the United States of America that I have first hand knowledge hereto and to the best of my knowledge and belief all matters are true and correct. Executed on this November 20, 2018.



By: *Cherron Marie Phillips*
Cherron Marie Phillips
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Acknowledgement

On this date in Waseca Minnesota, Cherron Marie Phillips who is known and identified to me, appeared and executed the foregoing of her own free will duly affirmed under penalty of perjury. Done this November 20, 2018

FCI WASECA STAFF (SEAL)